

By Ms. Peake of Provincetown, petition of Sarah K. Peake and Robert A. O'Leary (by vote of the town) relative to the relocation and alteration of the layout of High Pole Hill Road in the town of Provincetown. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE RELOCATION AND ALTERATION OF THE LAYOUT OF HIGH POLE HILL ROAD IN THE TOWN OF PROVINCETOWN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding sections 21 to 24 inclusive, of
2 chapter 82 of the General Laws the board of selectmen of the
3 town of Provincetown may from time to time relocate and alter
4 the layout of High Pole Hill Road, a public town way laid out by
5 the selectmen, reported for acceptance on October 25, 1853 and
6 accepted by the town of Provincetown on November 15, 1853,
7 and further laid out by the selectmen, reported for acceptance on
8 January 27, 1862 and accepted by the town of Provincetown on
9 February 10, 1862, said relocation and alteration to become effec-
10 tive upon vote of the board of selectmen that public convenience
11 and necessity require such relocation and alteration, and filing of
12 an order of relocation and alteration and plan of relocation and
13 alteration with the town clerk, and no acceptance by vote of the
14 town meeting is required under this act, provided that the neces-
15 sary land or interest in land for such relation and alteration is
16 acquired by gift or purchase under this act, or by eminent domain
17 if a waiver of appraisal and damages is given by the owner of the
18 land affected by said taking, and further provided that the acquisi-
19 tion of the necessary land or interest must be accomplished within
20 one year of the filing of the order of relocation and alteration and
21 plan with the town clerk or said relocation and alteration shall be
22 void, but may be re-voted under this act.

1 SECTION 2. The board of selectmen of the town of Provincetown
2 town may acquire by gift from the Cape Cod Pilgrim Memorial
3 Association of Provincetown, a Massachusetts non-profit corpora-
4 tion, its successors and assigns (the "Association"), the fee owner-
5 ship interest or an easement for all purposes for which public
6 ways are used within the town of Provincetown within the layout
7 of High Pole Hill Road, as such layout may change from time to
8 time, and may accept a deed of such fee or such easement subject
9 to a restriction whereby the board of selectmen is obligated to fur-
10 ther alter the layout of High Pole Hill Road to another reasonably
11 convenient location if requested to do so by the Association and if
12 the Association grants to the town of Provincetown the necessary
13 easement or fee within the layout of High Pole Hill Road as so
14 further altered and bears the design and construction cost of such
15 further alteration.

1 SECTION 3. The board of selectmen of the town of Provincetown
2 town in connection with the alteration of layout of High Pole Hill
3 Road from time to time, may, for such consideration as the
4 selectmen shall deem appropriate, which may be normal consid-
5 eration, release to the owner of the underlying fee in the land
6 within said layout all right, title and interest of the town of
7 Provincetown in said land, if the land within said layout is held in
8 fee by the town of limitation the land shown as "West Approach -
9 East Approach" on the plan titled "Plan of Land in Provincetown,"
10 prepared by George F. Clements., CE., dated January 21,
11 1938, filed with Land Registration Office on April 11, 1939 as
12 Plan No. 16813A, notwithstanding the requirements of sections 15
13 and 15A of chapter 40 of the General Laws.

1 SECTION 4. Said Association may grant to the town of
2 Provincetown the fee of ownership interest or an easement for all
3 purposes for which public ways are used within the town of
4 Provincetown within the layout of High Pole Hill Road, as such
5 layout may change from time, notwithstanding that the land
6 within said layout is part of the land granted to the Association by
7 the Commonwealth of Massachusetts by deed dated February 8,
8 1960, recorded with the Barnstable County Registry of Deeds in
9 Book 1071, Page 23, pursuant to chapter 421 of the acts of 1959

10 and such conveyance, or the use of a portion of such land as a
11 public town way rather than a free public parking area shall not
12 cause all or any portion of such land to revert to the Common-
13 wealth, notwithstanding the provisions of said act.

1 SECTION 5. Nothing in this act shall prevent the town of
2 Provincetown from acting with respect to High Pole Hill Road as
3 provided in section 21 to 24, inclusive, of chapter 82 of the
4 General Laws should the town prefer to proceed under the General
5 Laws and should the town proceed under the General Laws,
6 nothing shall prevent the town from exercising its power of emi-
7 nent domain under chapter 79 of the General Laws with respect to
8 said High Pole Hill Road.

1 SECTION 6. This act shall take effect upon its passage.

